

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHEN JOHNSON, JR.,

Petitioner,

Case No. 08-12076

Honorable Victoria A. Roberts

v.

HUGH WOLFENBARGER,

Respondent.

_____ /

ORDER: (1) RESCINDING ORDER OF REFERENCE [ECF No. 21];
and (2) STRIKING PETITIONER'S MEMORANDUM OF
LAW IN SUPPORT OF EVIDENTIARY HEARING [ECF No. 20]

On May 12, 2008, Stephen Johnson, Jr. filed a petition for writ of habeas corpus. Johnson subsequently filed a motion for evidentiary hearing.

In August 2009, the Court denied Johnson's motion for evidentiary hearing without prejudice, finding that Johnson failed to provide the necessary evidence showing that a hearing would shed new light on his claims, and that the Court could adjudicate his legal claims without taking additional evidence. The Court said that it would reconsider Johnson's motion if it determines at a later time that an evidentiary hearing is

necessary, and that Johnson need not file any additional motions regarding this issue.

Nearly two years later, on June 28, 2011, the Court entered an order denying Johnson's habeas petition and entered judgment in favor of the Respondent.

Johnson exhausted his appeals, with the United States Supreme Court denying his petition for writ of certiorari in October 2012.

In July 2019, Johnson filed a "Memorandum of Law in Support of Evidentiary Hearing."

The Court referred the Memorandum to Magistrate Judge Elizabeth A. Stafford. After reconsideration, the Court **RESCINDS** the Order of Reference to Judge Stafford [ECF No. 21].

The Court **STRIKES** Johnson's Memorandum of Law in Support of Evidentiary Hearing [ECF No. 20].

Although the Court said it would reconsider Johnson's motion for evidentiary hearing if it determined, at a later time, that an evidentiary hearing was necessary, the time for reconsideration has passed.

Judgment entered against Johnson long ago, and Johnson exhausted his appeals. This case is closed and final. If Johnson has new issues to raise,

he must file a motion in the Sixth Circuit for authorization to file a second or successive habeas petition.

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: May 27, 2020